

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, December 21, 2021, at 7:00 p.m., with the following members present:

Tony Wood	Hank Guess	
Charlotte C. Williams	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were City Manager Warren Wood, Deputy City Manager Rodney Miller, Assistant City Manager Rick Beasley, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, Deputy City Clerk Crystal B. Mundy and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present except for Alderman Williams.
- II. Invocation by Rabbi Dennis Jones, Temple Beth Shalom
- III. Pledge of Allegiance
- IV. Special Presentations
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes

- A. Regular Meeting of December 7, 2021.

Alderman Patton moved, seconded by Alderman Seaver that the Minutes of December 7, 2021, be approved. The motion carried unanimously.

- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

Alderman Patton moved, seconded by Alderman Zagaroli that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

- A. Approval of Amending the Traffic Ordinance Reducing the Speed Limit to 25 MPH on E Avenue SE from 25th Street SE to 17th Street SE/C Avenue SE, 17th Street SE from E Avenue SE/C Avenue SE to B Avenue SE, and C Avenue SE from 16th Street SE to E Avenue SE/17th Street SE. (First Reading Vote: Unanimous)

- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

Mayor Guess moved, seconded by Alderman Patton approval of the Consent Agenda. The motion carried unanimously.

- A. Approved the Purchase of Two Isuzu Cab/Chassis from Carolina Industrial Equipment, Inc. in the Amount of \$335,244.

Staff requests Council's approval of the purchase of two Isuzu (Non-CDL) Cab/Chassis with an Xtreme Vac mounted automated leaf collection unit per the N.C. Sheriffs Association Contract Bid #22-06-0426 in the amount of \$167,622 each for a total expense of \$335,244 from Carolina Industrial Equipment, Inc. The City uses automated leaf trucks for efficient collection of loose leaves within the Recycling Division's yard waste service. These units allow for loose leaves to be collected by a single operator and collects approximately five loads per day on average. These trucks will replace three leaf trucks and six pull behind leaf machines. The Solid Waste Recycling Division capital equipment improvement plan includes the replacement of automated leaf trucks in FY 22-23. These trucks are used to collect loose leaves along the curb line throughout the City. This type of truck allows the division to perform this essential function in an efficient and effective manner. In light of supply chain issues, these (2) smaller units that are readily available will allow us to forgo the need to buy the automated leaf trucks in FY 22/23. Staff recommends Council's approval of the purchase of two Isuzu (Non-CDL) Cab/Chassis with a Xtreme Vac mounted automated leaf collection unit per the N.C. Sheriffs Association Contract Bid #22-06-0426 in the amount of \$167,622 for a total expense of \$335,244 from Carolina Industrial Equipment, Inc.

- B. Approved a Professional Services Agreement with McGill Associates, P.A. for the Henry Fork Sewer Collection Basing Environmental Recommendations Project in the Amount of \$218,500.

Staff requests Council's approval of Professional Services Agreement with McGill Associates, PA, for the Henry Fork Sewer Collection Basin Environmental Recommendations project in the amount of \$218,500. The Henry Fork Basin has

increasingly been impacted by the removal of the dam at Shuford Mills, resulting in more frequent infrastructure failures. An evaluation of the Henry Fork Basin is recommended to identify areas of concern that require attention in order to avoid failures. This is a continuation of the Public Utilities Department's emphasis in maintaining and/or replacing infrastructure to maximize the useful life and efficiency of the Collection and Distribution Systems for the enjoyment and benefit of customers. Statements of Qualifications were requested and received on September 10, 2021, from KCI Associates, PA and McGill Associates, PA. Upon review and evaluation, staff selected and received a proposal from McGill Associates, PA for this evaluation. Staff requests Council's approval of a Professional Services Agreement with McGill Associates, PA, for the Henry Fork Sewer Collection Basin Environmental Recommendations project in the amount of \$218,500.

- C. Called for a Public Hearing for Consideration of a Voluntary Non-Contiguous Annexation of 55.49 Acres of Property Located on Spencer Road, between 30th Street Court NE and 31st Street Place NE, PIN 3723-15-63-5314. (Authorized Public Hearing for January 4, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building.)

RESOLUTION NO. 21-58
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED
UNDER G.S. 160A-31 AND/OR 160A-58.1, AS AMENDED

WHEREAS, a petition from Margaret Hambrick Glaze, Josephine Bonniwell Hambrick Revocable Trust and Robert T. Hambrick III, Trust requesting annexation of an area described in a petition was received on December 9, 2021, by the City Council of the City of Hickory; and

WHEREAS, G.S. 160A-31 and G.S. 160A-58.1 provide that the sufficiency of the petition shall be investigated by the Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Hickory deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

THAT, the Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

CERTIFICATE OF SUFFICIENCY

TO THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH CAROLINA:

I, Debbie D. Miller, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31 and/or G.S. 160A-58.1, as amended:

Located on Spencer Road between 30th Street Court NE and 31st Street Place NE, PIN 3723-15-63-5314, Containing Approximately 55.49 acres more or less

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory this 9th day of December.

/s/ Debbie D. Miller, City Clerk

RESOLUTION 21-59
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION,
PURSUANT TO G.S. 160A-31 OR G.S. 160A-58.1, AS AMENDED

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Hickory has, by Resolution, directed the clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Clerk as to the sufficiency of said petition has been made.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on January 4, 2022, in the Council Chambers

of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 2: The area proposed for annexation is described as follows:

Located on Spencer Road between 30th Street Court NE and 31st Street Place NE, PIN 3723-15-63-5314, Containing Approximately 55.49 acres more or less

Section 3: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

RESOLUTION NO. 21-60

A RESOLUTION DETERMINING THE INTENT TO ANNEX INTO THE CORPORATE LIMITS OF THE CITY OF HICKORY CERTAIN PROPERTY OWNED BY MARGARET H. GLAZE, JOSEPHINE B. HAMBRICK REVOCABLE TRUST AND THE ROBERT T. HAMBRICK TRUST AND CALLING FOR A PUBLIC HEARING ON THE SAME

WHEREAS, Margaret Hambrick Glaze, Josephine B. Hambrick Revocable Trust and Robert T. Hambrick Trust are the owners of certain real property as described herein, which property is located on Spencer Road between 30th Street Court NE and 31st Street Place NE, containing approximately 55.49 acres, more or less, PIN 3723-15-63-5314; and

WHEREAS, such property is currently located in the City's extra-territorial jurisdictional (ETJ); and

WHEREAS, it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex such property into the corporate limits of the City of Hickory as authorized by N.C.G.S. Section 160A-31; and

NOW, THEREFORE BE IT RESOLVED by the Hickory City Council, sitting in open session this 21st day of December 2021, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, as follows:

Section 1: That the Hickory City Council does determine that it is in the best interest of the health, safety, and well-being of the residents of the City of Hickory to annex the property described hereinafter into the corporate limits of the City of Hickory.

Section 2: That a public hearing on the question of annexation of the area described herein will be held at 7:00 p.m. on January 4, 2022, in the Council Chambers of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.

Section 3: The same being that property reflected on maps entitled Josephine B. Hambrick Trust, Voluntary Non-Contiguous Annexation, Map 1, Current City Boundary, subject property outlined in red; Josephine B. Hambrick Trust, Voluntary Non-Contiguous Annexation, Map 2, Current Zoning, subject property outlined in red; Josephine B. Hambrick Trust, Voluntary Non-Contiguous Annexation, Map 3, Aerial Photography, subject property outlined in red.

Section 4: Notice of said public hearing shall be published in The Hickory Daily Record, a newspaper having general circulation in the City of Hickory, at least ten (10) days prior to the date of said public hearing.

D. Called for a Public Hearing for Consideration of Proposed Amendments to Chapter 21, Sections 21-8 and 21-9 of the Hickory City Code of Ordinance. (Authorized Public Hearing for January 4, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building.)

E. Approved on First Reading Budget Revision Number 10.

ORDINANCE NO. 21-43 BUDGET REVISION NUMBER 10

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2022, and for the duration of the Project Ordinance noted herein.

SECTION 1. To amend the General Fund within the FY 2021-22 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	20,029	-
Culture & Recreation	107,183	-
Economic & Community Development	435	-
Transportation	425	-
TOTAL	128,072	-

To provide funding for the above, the General Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	85,214	-
Restricted Intergovernmental	5,100	-
Miscellaneous Revenue	5,393	-
Sales and Services	32,365	-
TOTAL	128,072	-

SECTION 2. To amend the Urgent Repair Program Fund within the FY 2021-22 Budget Ordinance the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Economic & Community Development	71,277	-
TOTAL	71,277	-

To provide funding for the above, the Urgent Repair Program Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	71,277	-
TOTAL	71,277	-

SECTION 3. To amend the Community Development Block Grant (CDBG) Fund within the FY 2021-22 Budget Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Economic & Community Development	-	414,318
TOTAL	-	414,318

To provide funding for the above, the Community Development Block Grant (CDBG) Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	-	414,318
TOTAL	-	414,318

SECTION 4. To amend the Solid Waste Fund within the FY 2021-22 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	335,244	-
TOTAL	335,244	-

To provide funding for the above, the Solid Waste Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	335,244	-
TOTAL	335,244	-

SECTION 5. To establish the North Carolina Governor’s Crime Commission Grant (#G51106), the expenditures shall be established as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	24,215	-
TOTAL	24,215	-

To provide funding for the above, the North Carolina Governor’s Crime Commission Grant (#G51106) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	24,215	-
TOTAL	24,215	-

SECTION 6. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

1. Deferred Consideration of Rezoning Petition Number 21-08 for Property Located at 3320, 3326, 3330, and 3342 9th Avenue Drive NW, from R-1 Residential to Neighborhood Center Commercial (NC) – Presentation by Planning Director Brian Frazier.

Winkler's Grove Baptist Church has submitted a petition requesting the rezoning of its property located at 3320, 3326, 3330 and 3342 9th Avenue Drive NW, from R-1 Residential to Neighborhood Center Commercial (NC). The properties under consideration for rezoning are occupied by a church, auxiliary buildings, and a parking lot. The rezoning request is intended to establish zoning that would provide greater flexibility in the future development of the church campus. The subject properties are zoned Low Density Residential (R-1) and are +/- 13.57 acres in total size. The current zoning is primarily intended for lower intensity residential uses, at a maximum density of two dwelling units per acre. While, residential is the primary purpose of the district, other uses including churches are also permissible. Should the properties be rezoned to Neighborhood Center Commercial (NC), residential uses would still be permissible, although at higher intensities and forms. The major difference would be the potential to establish retail and office uses in addition to residential. Residential intensities within NC districts are permissible at a rate of thirty dwelling units per acre, and non-residential development is permissible at a floor area ratio (FAR) of 2:1. The Hickory Regional Planning Commission conducted a public hearing on December 1, 2021, to consider the petition. During the public hearing, the property owner spoke in favor of the petition, while no one spoke in opposition. Upon closing the public hearing, the Hickory Regional Planning Commission voted 6 to 3 to affirm the petition's inconsistency with the Hickory by Choice 2030 Comprehensive Plan, and recommended City Council's disapproval of the petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on December 10, 2021, and December 17, 2021.

Mayor Guess declared the public hearing open. He advised there were members from the Church that could not be present due to events at the Church going on and they had asked that the public hearing be continued.

Mayor Guess moved, seconded by Alderwoman Patton to continue the public hearing until January 4, 2022. The motion carried unanimously.

B. Departmental Reports:

1. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Small Cities Project Area

VACANT

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Outside City but within HRP) (Council Appoints)

VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Differently Abled and is African American or Other Minority (Council Appoints)

VACANT

Differently Abled (Council Appoints)

Beth Whicker

(Not Eligible for Reappointment)

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (2)(Council Appoints) Mary Moorer
(Eligible for Reappointment/Does Not Wish to Serve Again)

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 1 (Wood Appoints) VACANT
(Dianne Straley no longer Eligible for Ward 1 due to Redistricting)
Ward 3 (Seaver Appoints) VACANT
(Beth Schauble Resigned 11-10-2021)

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints) VACANT
At-Large (Mayor Appoints) Beth Bowman
(Not Eligible for Reappointment)
At-Large (Mayor Appoints) (Harold Humphrey Resigned 11-4-2021) VACANT

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard VACANT
Homeschool VACANT

- C. Presentation of Petitions and Requests
- XII. Matters Not on Agenda (requires majority vote of Council to consider)
- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

Mayor Guess appreciated everyone being present, particularly staff and the members of the public. He thanked everyone and wished everyone a safe and a Happy Holiday, and a Merry Christmas. Council would reconvene on January 4th.

Alderwoman Williams wished everyone a Merry Christmas and a Happy New Year.

Mayor Guess mentioned the City Walk was completely finished now, maybe a few little things to be done, trash cans, pooper scoopers and things like that, but other than that it was open, and it was lit. They were getting a lot of great comments about it, and they were looking forward to the next one, and the next one after that.
- XIV. There being no further business, the meeting adjourned at 7:05 p.m.

Mayor

City Clerk